

BEFORE THE
POSTAL REGULATORY COMMISSION

Periodic Reporting (Proposal Six)

:
:
:

Docket No. RM2017-10

UNITED PARCEL SERVICE, INC.'S MOTION REQUESTING
ACCESS TO NON-PUBLIC MATERIALS UNDER
PROTECTIVE CONDITIONS
(August 7, 2017)

United Parcel Service, Inc. ("UPS") respectfully submits this Motion pursuant to 39 C.F.R. § 3001.21 and 39 C.F.R. § 3007.50 requesting access to a non-public library reference from Docket No RM2017-10 (USPS-RM2017-10/NP1), which the United States Postal Service ("Postal Service") filed with the Commission on July 28, 2017, as part of the Postal Service's proposal relating to improvements in the mail processing and transportation cost models for Parcel Select and Parcel Return Service mail (Proposal Six). Additionally, UPS requests access to additional non-public library references in Docket No. ACR2016 (USPS-FY16-NP14, USPS-FY16-NP15, USPS-FY16-NP16), which were referenced in the Postal Service's petition.¹

UPS seeks access to these library references for its outside counsel and consultants to assist it in making informed comments regarding Proposal Six. See Order No. 4023. These outside counsel and consultants are identified in Exhibit 1,

¹ See Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Six), Dkt. No. RM2017-10 (July 28, 2017), at 2, 5, 9.

attached hereto, and each has executed a copy of the Commission's standard protective order conditions.

In determining whether to grant access to non-public data, the Commission "shall balance the interests of the parties based on Federal Rule of Civil Procedure 26(c)." See 39 C.F.R. § 3007.42. UPS's request clearly satisfies this test. The requested non-public library references are directly relevant to Proposal Six, and UPS has a substantial interest in this proposal.

The Commission has initiated a rulemaking proceeding to consider changes to improvements in the mail processing and transportation cost models for Parcel Select and Parcel Return Service mail. See Order No. 4023. Specifically, the Postal Service states that modifications be made to update figures and correct errors in the mail processing cost model and the transportation cost model.² In support of its Petition, the Postal Service has cited several non-public library references, namely in Dockets Nos. RM2017-10 (USPS-RM2017-10/NP1) and ACR2016 (USPS-FY16-NP14, USPS-FY16-NP15, USPS-FY16-NP16). Access to the non-public library references is necessary to evaluate the extent to which Proposal Six impacts the cost models for Parcel Select and Parcel Return Service mail. Presently, there is no publically available information contained in Proposal Six that would allow UPS's outside counsel and consultants (or any other commenter) to evaluate those impacts.

Use of the non-public materials in RM2017-10 (USPS-RM2017-10/NP1) and ACR2016 (USPS-FY16-NP14, USPS-FY16-NP15, USPS-FY16-NP16) will substantially

² See Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Six), Dkt. No. RM2017-10 (July 28, 2017), at 2-17.

assist in responding to the arguments raised by the initial comments in this docket.

Accordingly, UPS respectfully requests permission for its outside counsel and consultants to use the aforementioned materials for that purpose in this docket.

Respectfully submitted,

UNITED PARCEL SERVICE, INC.,

By: /s/ Steig D. Olson
Steig D. Olson
Quinn Emanuel Urquhart & Sullivan, LLP
51 Madison Ave., 22nd Floor
New York, NY 10010
(212) 849-7152
steigolson@quinnemanuel.com

Attorney for UPS

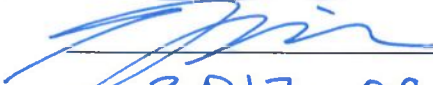
Exhibit 1

1. Steig Olson
2. David LeRay
3. Christopher Seck
4. Andrew Sutton
5. Michael Gulston
6. Kevin Neels
7. Nicholas Powers
8. Jacob Light
9. Angela Lam
10. Nathan Basch
11. Nathan Plein
12. Edward Cho
13. Christine McCaffrey

CERTIFICATION

The undersigned represents that:


Access to these materials provided in the matter identified as Commission Docket No. RM2017-10 by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as Commission Docket No. RM2017-10. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name	<u>Steig Olson</u>
Firm	<u>Quinn Emanuel Urquhart & Sullivan LLP</u>
Title	<u>Partner</u>
Representing	<u>United Parcel Service</u>
Signature	<u></u>
Date	<u>2017-08-07</u>

CERTIFICATION

The undersigned represents that:


Access to these materials provided in the matter identified as Commission Docket No. RM2017-10 by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as Commission Docket No. RM2017-10. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name	<u>David LeRay</u>
Firm	<u>Quinn Emanuel Urquhart & Sullivan LLP</u>
Title	<u>Associate</u>
Representing	<u>United Parcel Service</u>
Signature	<u></u>
Date	<u>August 7, 2017</u>

CERTIFICATION

The undersigned represents that:

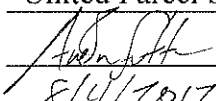
Access to these materials provided in the matter identified as Commission Docket No. RM2017-10 by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as Commission Docket No. RM2017-10. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name	<u>Christopher Seck</u>
Firm	<u>Quinn Emanuel Urquhart & Sullivan LLP</u>
Title	<u>Associate</u>
Representing	<u>United Parcel Service</u>
Signature	<u></u>
Date	<u>Aug. 4, 2017</u>

CERTIFICATION

The undersigned represents that:


Access to these materials provided in the matter identified as Commission Docket No. RM2017-10 by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as Commission Docket No. RM2017-10. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name	<u>Andrew Sutton</u>
Firm	<u>Quinn Emanuel Urquhart & Sullivan LLP</u>
Title	<u>Associate</u>
Representing	<u>United Parcel Service</u>
Signature	<u></u>
Date	<u>8/4/2017</u>

CERTIFICATION

The undersigned represents that:


Access to these materials provided in the matter identified as Commission Docket No. RM2017-10 by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as Commission Docket No. RM2017-10. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name	<u>Michael Gulston</u>
Firm	<u>Quinn Emanuel Urquhart & Sullivan LLP</u>
Title	<u>Paralegal</u>
Representing	<u>United Parcel Service</u>
Signature	<u></u>
Date	<u>August 7, 2017</u>

CERTIFICATION

The undersigned represents that:

Access to these materials provided in the matter identified as Commission Docket No. RM2017-10 by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as Commission Docket No. RM2017-10. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name	<u>Kevin Neels</u>
Firm	<u>The Brattle Group</u>
Title	<u>Principal</u>
Representing	<u>United Parcel Service</u>
Signature	<u></u>
Date	<u>August 4, 2017</u>

CERTIFICATION

The undersigned represents that:


Access to these materials provided in the matter identified as Commission Docket No. RM2017-10 by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as Commission Docket No. RM2017-10. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name	<u>Nicholas E. Powers</u>
Firm	<u>The Brattle Group</u>
Title	<u>Senior Associate</u>
Representing	<u>United Parcel Service</u>
Signature	<u>Nicholas E. Powers</u>
Date	<u>August 4, 2017</u>

CERTIFICATION

The undersigned represents that:


Access to these materials provided in the matter identified as Commission Docket No. RM2017-10 by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as Commission Docket No. RM2017-10. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name	<u>Jacob Light</u>
Firm	<u>The Brattle Group</u>
Title	<u>Research Analyst</u>
Representing	<u>United Parcel Service</u>
Signature	<u></u>
Date	<u>8/4/17</u>

CERTIFICATION

The undersigned represents that:

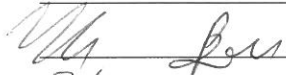
Access to these materials provided in the matter identified as Commission Docket No. RM2017-10 by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as Commission Docket No. RM2017-10. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name	<u>Angela Lam</u>
Firm	<u>The Brattle Group</u>
Title	<u>Research Analyst</u>
Representing	<u>United Parcel Service</u>
Signature	<u></u>
Date	<u>8/4/17</u>

CERTIFICATION

The undersigned represents that:


Access to these materials provided in the matter identified as Commission Docket No. RM2017-10 by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as Commission Docket No. RM2017-10. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name	<u>Nathan Basch</u>
Firm	<u>The Brattle Group</u>
Title	<u>Research Analyst</u>
Representing	<u>United Parcel Service</u>
Signature	<u></u>
Date	<u>8/7/17</u>

CERTIFICATION

The undersigned represents that:

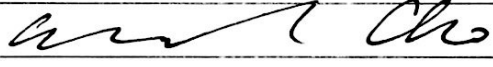
Access to these materials provided in the matter identified as Commission Docket No. RM2017-10 by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as Commission Docket No. RM2017-10. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name	<u>Nathan Plein</u>
Firm	<u>The Brattle Group</u>
Title	<u>Senior Research Analyst</u>
Representing	<u>United Parcel Service</u>
Signature	<u></u>
Date	<u>8/4/2017</u>

CERTIFICATION

The undersigned represents that:

Access to these materials provided in the matter identified as Commission Docket No. RM2017-10 by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as Commission Docket No. RM2017-10. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name	<u>Edward Cho</u>
Firm	<u>The Brattle Group</u>
Title	<u>Research Analyst</u>
Representing	<u>United Parcel Service</u>
Signature	<u></u>
Date	<u>August 4, 2017</u>

CERTIFICATION

The undersigned represents that:

Access to these materials provided in the matter identified as Commission Docket No. RM2017-10 by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as Commission Docket No. RM2017-10. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name

Christine McCarthy

Firm

The Brattle Group

Title

Administrative Assistant

Representing

United Parcel Service

Signature

Christine McCarthy

Date

8/4/17